

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF TENNESSEE

U.S.A. vs. Yassin Abdirahman Yusuf

Docket No. 0650 3:10CR00260 - 29

Petition for Action on Conditions of Pretrial Release

COMES NOW Maria K Johnson, PRETRIAL SERVICES OFFICER
presenting an official report upon the conduct of defendant Yassin Abdirahman Yusuf
who was placed under pretrial release supervision by the Honorable Clifton E. Knowles, U.S. Magistrate Judge
sitting in the Court at Nashville, Tennessee, on February 01, 2013, under the following
conditions: Please reference the attached Order Setting Conditions of Release.

Respectfully presenting petition for action of Court and for cause as follows:
Please reference pages two and three of this document.

I declare under penalty of perjury that the foregoing is true and correct.

Maria K Johnson
U.S. Pretrial Services Officer

Nashville, TN

July 18, 2013

Place:

Date:

Next Scheduled Court Event

Not Scheduled

Event

Date

PETITIONING THE COURT

- ☐ No Action
☐ To Issue a Warrant

- ☐ To issue an order setting a hearing on the petition
☒ Other To include a Home Detention condition

THE COURT ORDERS:

- ☐ No Action
☐ The Issuance of a Warrant.
☐ Sealed Pending Warrant Execution
(cc: U.S. Probation and U.S. Marshals only)
☒ Other

- ☐ A Hearing on the Petition is set for

Date

Time

Considered and ordered this 18th day
of July, 2013, and ordered filed
and made a part of the records in the above
case.

E Clifton Knowles
Honorable E. Clifton Knowles
U.S. Magistrate Judge

The Honorable Clifton E. Knowles
U.S. Magistrate Judge
Petition for Action On
Yusuf, Yassin Abdirahman
3:10CR00260-29
July 18, 2013

On February 1, 2013, defendant Yassin Abdirahman Yusuf appeared before Your Honor for pretrial release conditions as ordered by the Honorable William J. Haynes, Jr., Chief U.S. District Judge, at the conclusion of a status conference. The defendant immediately returned to Minneapolis, Minnesota, and has since been under the courtesy pretrial supervision of the U. S. Pretrial Services Office in the District of Minnesota.

On March 29, 2013, this officer petitioned the Court to modify the conditions of release, based on the defendant's non-compliance with the previously imposed conditions. Specifically, the defendant had law enforcement contact on March 15, 2013, and March 20, 2013, and on both occasions an odor of marijuana emitted from a vehicle the defendant occupied. The defendant was not charged with an offense. Based on the nature of the law enforcement contact, the U.S. Pretrial Services Officer asked the defendant to submit a drug screen, which yielded positive results for marijuana. On April 1, 2013, Your Honor modified the previously imposed conditions to include the following requested conditions:

- 1) Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner;
- 2) Submit to random urine screens to determine whether the defendant is using a prohibited substance and refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing required as a condition of release;
- 3) Participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office considers it advisable.

Special Conditions of Pretrial Release:

Please reference the attached Order Setting Conditions of Release.

Violation(s):

Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner. On March 21, 2013, April 3, 2013, April 8, 2013, April 20, 2013, April 27, 2013, May 11, 2013, June 22, 2013, and July 10, 2013, the defendant submitted urine screens which yielded positive results for marijuana. On May 29, 2013, June 18, 2013, and July 15, 2013, the defendant submitted urine screens which yielded positive results for marijuana and cocaine.

The Honorable Clifton E. Knowles
U.S. Magistrate Judge
Petition for Action On
Yusuf, Yassin Abdirahman
3:10CR00260-29
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Submit to random urine screens to determine whether the defendant is using a prohibited substance and refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing required as a condition of release. On June 12, 2013, the defendant failed to appear for a drug screen.

Probation Officer's Actions:

The Pretrial Services Officer in Minneapolis met with the defendant regarding the positive drug screens, and he admitted he smokes marijuana every two days, and most recently began adding cocaine to his marijuana cigarettes. On June 25, 2013, the defendant had a substance abuse assessment with Recovery Resource in Minneapolis, Minnesota. At this time, the defendant has not begun treatment services.

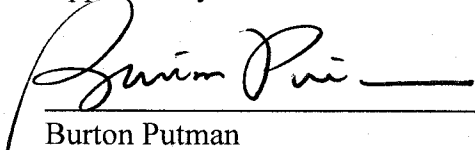
On July 15, 2013, the defendant signed the attached Consent to Modify Conditions of Release.

Respectfully Petitioning the Court as Follows:

This was the defendant's second violation report to the Court. It is respectfully recommended that the defendant be placed on home detention and only allowed to leave with permission from the U.S. Probation and Pretrial Services Office. To monitor compliance with the conditions, the pretrial services officer will continue to require the defendant to submit random drug screens. Should the defendant continue to use illegal drugs, Pretrial Services will request a hearing before the Court, where the defendant can answer why his bond should not be revoked.

Assistant U.S. Attorney Van Vincent concurs with this recommendation.

Approved by:



Burton Putman
Supervisory U.S. Probation Officer

xc: AUSA, Van Vincent
Attorney David Komisar

United States District Court

Middle District of Tennessee

United States of America

vs

Yassin Abdirahman Yusuf

Case No. 3:10-CR00260-29

CONSENT TO MODIFY CONDITIONS OF RELEASE

I, Yassin Abdirahman Yusuf, have discussed with Krystal Taylor
Pretrial Services / Probation Officer, modification of my release as follows:

The defendant shall be restricted to his residence at all times, except for employment, education, religious services, medical, substance abuse, mental health treatment, attorney visits, court appearances, court ordered obligations, or other activities preapproved by the pretrial services office or supervising officer.

I consent to this modification of my release conditions and agree to abide by this modification.

Yassin Yusuf July 15/2013 Krystal Taylor 7/15/13
Signature of Defendant Date U.S. Probation Officer Date

I have reviewed the conditions with my client and concur that this modification is appropriate.

✓ [Signature] 7/12/13
Signature of Defense Counsel Date

- ☒ The above modification of conditions of release is ordered, to be effective on 7/18/13.
☐ The above modification of conditions of release is not ordered.

E C/E 7/17/13
Signature of Judicial Officer Date

UNITED STATES DISTRICT COURT

MIDDLE

District of

TENNESSEE

United States of America

V.

ORDER SETTING CONDITIONS
OF RELEASE

YASSIN ABDIRAHMAN YUSUF

Case Number: 3:10-00260-29

Defendant

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing before any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified) _____

Place

on _____

Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (☒) The defendant promises to appear at all proceedings as required and to surrender
- (☐) The defendant executes an unsecured bond binding the defendant to pay _____ dollar _____)
in the event of a failure to appear as required or to surrender as directed for

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICES U.S. ATTORNEY U.S. MARSHAL

The defendant shall not commit any offense in violation of federal, state or local law while on release in this case;

The defendant shall immediately advise the court, defense counsel, and the U.S. Attorney in writing before any change in address and/or telephone number;

The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed;

The defendant promises to appear at all proceedings as required and to surrender for sentence as directed;

~~The defendant executes an unsecured bond binding the defendant to pay \$10,000 (Ten Thousand Dollars) in the event of a failure to appear as required or to surrender as directed;~~

Report to the U.S. Pretrial Services as directed;

Maintain or actively seek employment

Surrender any passport to pre-trial services;

Obtain no passport;

Travel is restricted to the Middle District of Tennessee and the state of Minnesota;

Avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in criminal case 3:10-00260 in the subject investigation or prosecution including but not limited to Somali Outlaws/Somali Mafia Members, defendants in criminal case 3:10-00260, any Jane Doe, including but not limited to Jane Doe Two;

Refrain from possessing a firearm, destructive device, or other dangerous weapons;

Participate in the following home confinement program components and abide by all the requirements of the program which will include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer;

Abide by curfew as directed by the pretrial services office or supervising officer;

Report as soon as possible and within 48 hours, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop; and

Permit Pretrial Service Officer to visit the defendant at home or elsewhere at any time, and allow Pretrial Services Officer to confiscate any contraband in plain view.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.


If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

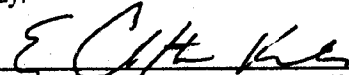


Signature of Defendant

Directions to United States Marshal

- (x) The defendant is ORDERED released after processing.
() The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: February 1, 2013



Signature of Judicial Officer

E. CLIFTON KNOWLES, U.S. MAGISTRATE JUDGE

Name and Title of Judicial Officer

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL